IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 25114 of 2004

Between:

Shiak Khaja, s/o Saidulla,
r/o Dwaraka Nagar, Indira Colony, D.No.41-1/5-70, Vijayawada.

..... PETITIONER

AND

1 The Commissioner, Municipal Corporation of Vijayawada, Vijayawada.
2 The Commissioner of Police, Vijayawada.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly in the nature of WRIT OF MANDAMUS declaring the action of the respondents in insisting the petitioner to enter into an agreement pursuant to the tender-cum-auction notice in Rc.No.A7-10822/99, dated 13-12-2004 contrary to the Resolution No.48/177, dt.27-8-98 ignoring "No parking Zone" as illegal, and consequently direct the respondents to enter into an agreement as per the resolutions in force in particular resolution No.48/177, dt.27-8-1998.

Counsel for the Petitioner: MR.N.SUBBA RAO

Counsel for the Respondents: MR.T.S.VENKATARAMANA

The Court made the following :

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O R D E R :

Heard counsel for both sides and with their consent the writ petition is disposed of at the stage of admission.

The petitioner filed this writ petition seeking a writ of *Mandamus* declaring the action of the respondents in insisting the petitioner to enter into an agreement pursuant to the tender-cum-auction notice in Rc.No.A7-10822/99, dated 13.12.2004, contrary to the Resolution No.48/177, dated 27-8-1998 and ignoring 'No Parking Zone', as illegal and consequently direct the respondents to enter into an agreement as per the Resolutions in force, in particular Resolution No.48/177, dated 27-08-1998.

The case of the petitioner is that he stood as a highest bidder for an amount of Rs.7,25,000/- in the auction held on
20-12-2004, pursuant to the tender notification No.RcA7-10882/99, dated 13-12-2004, for collection of parking fee in NTR Parking-cum-Commercial Complex at Vijayawada city, for a period of one year commencing from 12-1-2005 to 11-1-12006. The grievance of the petitioner is that without specifying 'No Parking Zone', as has been declared by the first respondent-Corporation vide resolution No.48/177, dated 27.8.1988, the first respondent has been insisting the petitioner to enter into an agreement, which is contrary to the contracts hitherto granted. At the time of participating in the auction, on a representation submitted to the Deputy Commissioner regarding the boundaries, it was assured to the petitioner the terms and conditions of the notification for the year 2003-2004 would be applicable and the boundaries of the No Parking Zone would be written at the time of issuing orders to the highest bidders. It is his case that even on the representation, dated 21-12-2004, the first respondent promised strict implementation of the 'No Parking Zone'.

In view of the facts and circumstances of the case, I deem it appropriate to direct the first respondent to consider the representation dated 21.12.2004 in terms of the

resolutions passed by the first respondent-Corporation, in particular the Resolution No.48/177, dated 27-08-1998 and pass appropriate orders thereon. However, till passing of such orders, the first respondent shall not insist the petitioner to enter into lease agreement.

With the above observations the writ petition is disposed of. No order as to costs.

31.12.2004.

mdaa.

Copy to:

1 The Commissioner, Municipal Corporation of Vijayawada, Vijayawada.
2 The Commissioner of Police, Vijayawada.

3. Two C.D.copies.